IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WA.No. 1124 of 2003()

AGAINST THE JUDGEMENT IN WPC.16042/2003 Dated 03/06/2003
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APPELLANT: PETITIONER

VADAKKEPARAMBIL MATHEW MATHEW,
VADAKEPARAMBIL,
SOUTH CORNER OF SOUTH JANATHA ROAD AND GREEN AVENUE, COCHIN-682 025

BY ADV. SRI.V.M.MATHEW (PARTY IN PERSON)

RESPONDENTS: 1ST RESPONDENT/2ND RESPONDENT
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1. THE KERALA STATE ELECTRICITY BOARD,
OFFICE OF THE K.S.E.B., TRIVANDRUM BY ITS CHIEF ENGINEER.

2. THE DEPUTY CHIEF ENGINEER
(ELECTRICITY) KERALA STATE ELECTRICITY BOARD,
ERNAKULAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A. No.1124 of 2003

Dated, this the 15th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

This appeal is against the order passed by a learned Single Judge in W.P. (C) No.16042/2003 dt. 3.6.2003. The learned Judge has only rejected the writ petition for non-prosecution.

2. If, for any reason, the petitioner was aggrieved by the said order, he ought to have filed an appropriate application before the learned Single Judge himself for recalling the order and for hearing the petitioner on the merits of the case. Without even doing so, the petitioner has rushed to this court by filing an appeal.

3. In a matter of this nature, we do not intend to entertain this appeal. Accordingly, the writ appeal is disposed of with liberty to the appellant, if he so desires, to make an appropriate application before the learned Single Judge for recalling the order passed dismissing the writ petition for non-prosecution. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

mt/

H.L. DATTU, C.J. &
K.T.SANKARAN, J.

W.A.1124 OF 2003

JUDGMENT

15.6.2007